



## City of Rochester

Neighborhood and Business Development  
City Hall Room 125B, 30 Church Street  
Rochester, New York 14614-1290  
[www.cityofrochester.gov](http://www.cityofrochester.gov)

Bureau of Planning  
and Zoning

May 5, 2016

Lyjha Wilton  
Boulder Coffee.  
100 Alexander Street  
Rochester, NY 14607

Location:	371 Averill Avenue
Zoning District:	C-2 Community Center District
File Number:	V-055-15-16
Vote:	4-0-0

### **NOTICE OF DECISION**

In the matter of the request for an Area Variance to construct a 7,480 sq. ft. addition to the existing 2,760 sq. ft. building to be used as a meat market, thereby exceeding the 6,000 sq. ft. size limitation for a principal use in the district, please take notice that at the Zoning Board of Appeals meeting held on April 21, 2016, said application was **APPROVED**.

**Please Note:** Pursuant to Section 120-195B(9) of the City Code, a variance shall become null and void one (1) year after the date on which it was issued, unless a Building Permit is obtained and maintained.

**\*\*IMPORTANT\*\*:** You must make an appointment to complete the permit process. No work relating to this variance request can be started without the issuance of a Building Permit. Please contact Jill Symonds at 585-428-7364 or [Jill.Symonds@CityofRochester.gov](mailto:Jill.Symonds@CityofRochester.gov) to schedule an appointment.

Zina Lagonegro, EIT, AICP  
Secretary to the Zoning Board of Appeals

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cc: Christian Duerr, 1375 Highland Avenue, Rochester, NY 14620



**Resolution and Findings of Fact:**

1. Do the benefits to the applicant outweigh any detriment to the health, safety and welfare of the neighborhood or the community? Yes X No

**Finding:** The proposed meat market will reactivate this site which is located on the corner of S. Clinton Avenue and Averill Avenue. The proposed building will be up to the street, will meet the City's requirement for transparency, and will have an entrance along S. Clinton Avenue. The building will enhance the pedestrian realm by creating a more attractive façade than what is currently on the site. The vacant garages in the rear yard and the covered storage areas will be demolished and replaced with the proposed building and a parking lot. Overall, the site is well balanced between the building, the paved parking area, and the remaining green space.

The size of the proposed building is dictated by a number of factors, including the need for both freezer and retail space. According to the applicant, the existing office building cannot easily be reconfigured given the location of load bearing walls. As a result, the Meat Market will continue to use the existing building primarily for office space.

According to the applicant, he met with three neighborhood groups to explain the project: the South Wedge Planning Committee, the South Clinton Merchants Association, and the Business Association of the South Wedge Area, all of whom provided letters of support. The benefit to the applicant in having a larger retail space will not result in any detriments to the health, safety and welfare of the neighborhood.

2. Will the proposed use produce an undesirable change in the character of neighborhood or be a detriment to nearby properties? Yes    No X

**Finding:** The applicant is proposing to remove the existing garages and covered storage areas, which are approximately the same size as the proposed building addition (i.e. 7,480 sq. ft.). Although there will be a larger retail store, the building footprint is not changing. Moreover, the façade along S. Clinton Avenue will be vastly improved, which will improve the character of the area.

3. Can the benefit sought by the applicant be achieved by a feasible alternative to the variance? Yes    No X

**Finding:** There is no alternative to the proposed request that would provide the business operator with enough space for both retail and freezer storage.

**4. Is the requested variance substantial?**

Yes \_\_\_ No X

**Finding:** The retail store will be approximately 5,000 sq. ft. greater than what is permitted by Code. The site is approximately half an acre in size, which can reasonably contain the proposed building. Relative to the size of the site, the size of the building is not substantial.

**5. Will the variance create an adverse impact on the physical or environmental conditions in the neighborhood?**

Yes \_\_\_ No X

**Finding:** The project will significantly enhance a vacant property and improve the appearance of the site.

At the City's recommendation, loading for the retail store will occur on Averill Avenue. The request for a commercial loading zone was reviewed and approved by the Traffic Control Board (TCB). The TCB determined that on-street loading would be preferable for traffic safety and to facilitate operations at the business. The alternative would have been a complicated maneuver to back a vehicle into the site for deliveries, which would disrupt bicyclists, pedestrians, and vehicles on the street.

Overall, the variance will not have an adverse impact on the physical or environmental conditions of the neighborhood.

**6. Is the alleged difficulty self-created?**

Yes X No \_\_\_

**Finding:** The variance request is a self-created difficulty. However, the design of the proposed building and the overall design of the site mitigate the request.

**Record of Vote:**

D. Carr	Absent
R. Khaleel	Approve
D. O'Brien	Approve
J. O'Donnell	Absent
M. Tilton	Approve
E. Van Dusen	Approve

This decision was based on the following testimony and evidence:

**Testimony:**

**Support:**

Lyjha Wilton  
Chris Duerr  
Sarah Farmer

**Opposition:**

Kevin McCann  
Paul Minor

**Evidence:**

Staff Report  
City Property Information Map  
Area Variance Application and Standards  
Site Plan  
Survey Map  
Floor Plan  
Elevations  
Photographs  
Lot coverage calculations  
Google Earth photo  
Letter from South Clinton Merchants Association, dated 03/23/16 and 04/20/16  
Letter from SSM&RC, Inc. dated 03/23/16  
Letter from South Wedge Planning Committee, dated 03/22/16  
Email from Reverend Judy Hay, dated 03/24/16  
Email from Renee Beadling, dated 03/24/16  
Email from Irene Allen, dated 03/23/16  
Email from Paul Douglas, dated 04/20/16  
Email from Eileen Thomas, dated 04/19/16  
Letter from the Business Association of the South Wedge Area, dated 04/20/16  
Personal Appearance Notice, Affidavit of Notification and Speakers' List



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Bureau of Planning  
and Zoning

May 5, 2016

Sarah Howell  
173 Breck Street  
Rochester, NY 14609

Location: 68 Clifford Avenue  
Zoning District: R-1 Low-Density Residential District  
File Number: V-060-15-16  
Vote: 1-3-0

## NOTICE OF DECISION

In the matter of the request for an Area Variance to establish use of the property as a two-family dwelling that has lost its rights due to a period of vacancy greater than nine months, please take notice that at the Zoning Board of Appeals meeting held on April 21, 2016, said application failed to reach four concurring votes, and is therefore deemed a **DENIAL** pursuant to Zoning Code Section 120-186(D)(1) requiring no further findings of fact.

If you have any questions or concerns, please contact Jill Symonds at 585-428-7364 or [Jill.Symonds@cityofrochester.gov](mailto:Jill.Symonds@cityofrochester.gov).

Zina Lagonegro, AICP, EIT  
Secretary to the Zoning Board of Appeals

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**Record of Vote:**

D. Carr	Absent
R. Khaleel	Deny
D. O'Brien	Deny
J. O'Donnell	Absent
M. Tilton	Approve
E. Van Dusen	Deny

This decision was based on the following testimony and evidence:

**Supporting Testimony:**

Sarah Howell  
Arlisha Massey

**Opposing Testimony:**

None

**Evidence:**

Staff Report  
Use Variance Application  
Statement of Income and Expense, Statement of Unnecessary Hardship  
City Property Information Map  
List of Capital Improvements  
Home Owner Insurance Cost  
Rental information from CraigsList  
Comparable homes that have sold  
County tax bill  
City Property Information for 74, 68, 62 Clifford Avenue  
Survey Map  
Floor Plans  
Photographs  
Email from Maryann Fishbaugh, dated 04/20/16  
Personal Appearance Notice, Affidavit of Notification and Speakers' List



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Bureau of Planning  
and Zoning

May 5, 2016

Michael Mammano  
Clinton Signs, Pet Supplier  
1407 Empire Boulevard  
Webster, NY 14580

Location: 527-531 Monroe Avenue  
Zoning District: C-2 Community Center Districts  
File Number: V-065-15-16  
Vote: 0-4-0

### NOTICE OF DECISION

In the matter of the request for an Area Variance to install three internally illuminated signs that are 3' x 35' each for "Pet Supplies Plus", exceeding certain sign requirements, please take notice that at the Zoning Board of Appeals meeting held on April 21, 2016, said application was **DENIED**.

If you would like to apply for a sign permit that meets the Zoning Code requirements, you would be permitted to install a 29 square foot sign on the Monroe Avenue façade and a 56 square foot sign on the N. Goodman Avenue façade. Applications for a sign permit can be made in our Permit Office, Room 121B, City Hall, 30 Church Street, Monday – Friday between 9:00 AM and 4:00 PM. If you have any questions or concerns, please contact Jill Symonds at 585-428-7364 or [Jill.Symonds@cityofrochester.gov](mailto:Jill.Symonds@cityofrochester.gov).

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Secretary to the Zoning Board of Appeals

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**Resolution and Findings of Fact:**

1. Do the benefits to the applicant outweigh any detriment to the health, safety and welfare of the neighborhood or the community? Yes \_\_\_ No X

**Finding:** The subject property is prominently located on the corner of Monroe Avenue and N. Goodman Street. As a result of having two frontages, the applicant is permitted to install two signs per the Zoning Code regulations. However, the applicant has proposed three signs that exceed the size limitation in order to maximize visibility of the business. The proposed signage is excessive for this location and will be a detriment to the neighborhood.

2. Will the proposal produce an undesirable change in the character of neighborhood or be a detriment to nearby properties? Yes X No \_\_\_

**Finding:** Monroe Avenue is a vibrant commercial corridor that attracts high volumes of vehicle and pedestrian traffic. There are businesses located on each of the four corners at the intersection of Monroe Avenue and N. Goodman Street. The proposed Pet Supplies Plus signage is not consistent with the scale or design of the signs on these neighboring businesses. The proposed signs are out of character for this area and will be a detriment to nearby properties.

3. Can the benefit sought by the applicant be achieved by a feasible alternative to the variance? Yes X No \_\_\_

**Finding:** The applicant could propose signs that meet the Zoning Code requirements. Given that the applicant is located on a busy intersection and could have two signs, visibility should not be an issue.

4. Is the requested variance substantial? Yes X No \_\_\_

**Finding:** The requested variance is substantial. The applicant has proposed three signs, where only two are allowed. In addition, the proposed signs are 105 sq. ft. each, which is significantly larger than what is permitted by Code (i.e. 29 sq. ft. on Monroe Avenue and 56 sq. ft. on N. Goodman Street).

5. Will the variance create an adverse impact on the physical or environmental conditions in the neighborhood? Yes X No \_\_\_

**Finding:** The variance request will have a negative visual impact on the character of the street and surrounding area. Signage plays an important role in the attractiveness and appearance of any business, and this proposal will not enhance the Monroe Avenue corridor.



**6. Is the alleged difficulty self-created?**

Yes X No   

**Finding:** The alleged difficulty is self-created.

**Record of Vote:**

D. Carr	Absent
R. Khaleel	Deny
D. O'Brien	Deny
J. O'Donnell	Absent
M. Tilton	Deny
E. Van Dusen	Deny

This decision was based on the following testimony and evidence:

**Supporting Testimony:**

Michael Mammano  
Frank Santomansiaso

**Opposing Testimony:**

John Lembach

**Evidence:**

Staff Report  
Area Variance Application  
City Property Information Map  
Statement of Difficulty  
Sign rendering  
Photographs  
Site Plan  
Letter of opposition, Monroe Village Task Force  
Letter of opposition from the Park-Meigs Neighborhood Association, dated 04/21/16  
Letter of opposition, Monroe Avenue Merchants Association, dated 04/08/16  
Alternate sign rendering, submitted at the hearing for a 33" x 32' sign  
Photographs of other Pet Supplies Plus signs in Monroe County  
Personal Appearance Notice  
Affidavit of Notification  
Speakers' List



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Bureau of Planning  
and Zoning

May 5, 2016

Rev. Roberto Rios  
38 Sayne Street  
Rochester, NY 14621

Location: 676 Hudson Avenue  
Zoning District: R-1 Low-Density Residential District  
File Number: V-067-15-16  
Vote: 4-0-0

### NOTICE OF DECISION

In the matter of the request for an Area Variance to expand a place of worship by adding 600 sq. ft. of space and to demolish a single family dwelling at 275 Bernard Street in order to construct additional parking, not meeting the side yard setback requirements and exceeding lot coverage, please take notice that at the Zoning Board of Appeals meeting held on April 21, 2016, said application was **APPROVED**.

**Please Note:** Pursuant to Section 120-195B(9) of the City Code, a variance shall become null and void one (1) year after the date on which it was issued, unless a Building Permit is obtained and maintained.

**\*\*IMPORTANT\*\*:** You must make an appointment to complete the permit process. No work relating to this variance request can be started without the issuance of a Building Permit. Please contact Jill Symonds at 585-428-7364 or at [Jill.Symonds@CityofRochester.gov](mailto:Jill.Symonds@CityofRochester.gov) to schedule an appointment.

  
Zina Lagonegro, EIT, AICP  
Secretary to the Zoning Board of Appeals

cc: Lou Carini, 196 Deerfield Drive, Rochester, NY 14609

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**Resolution and Findings of Fact:**

1. Do the benefits to the applicant outweigh any detriment to the health, safety and welfare of the neighborhood or the community? Yes X No

**Finding: Setback:** The proposed addition to the front of the church follows the existing side yard setback of the building, which provides architectural continuity.

**Lot coverage:** The proposed demolition of the house at 275-279 Bernard Street and the construction of parking to serve the church results in an increase in lot coverage from approximately 51% to 80%. The parking area will be paved, striped, and screened within one year of the demolition of the house.

2. Will the proposal produce an undesirable change in the character of neighborhood or be a detriment to nearby properties? Yes    No X

**Finding: Setback:** The 600 sq. ft. addition, which impinges on the side yard setback, will not change the character of the building or be a detriment to nearby properties.

**Lot coverage:** The development of 275-279 Bernard Street as off-street parking will improve the traffic flow for those parking on the site. There will be a one-way entrance along Hudson Avenue and a one-way exit along Bernard Street. These improvements to the site mitigate the impact of the excess lot coverage.

3. Can the benefit sought by the applicant be achieved by a feasible alternative to the variance? Yes    No X

**Finding: Setback:** Should the building addition meet the side yard setback requirement, the appearance of the building and the interior functionality of the space will be negatively impacted. The south lot line of the building is adjacent to the parking area for the building next door. As a result, this small, 600 sq. ft. addition will not impact the neighboring property.

**Lot coverage:** There is no alternative for the proposed parking area that does not exceed lot coverage requirements.

4. Is the requested variance substantial? Yes    No X

**Finding: Setback:** As the side yard setback follows the existing building footprint, it is not a significant request.

**Lot coverage:** The variance request enables the church to add more parking, which is a benefit to the organization. The expanded parking area does not increase the occupancy or number of people using the building. The Zoning Board determined this was not a significant request.

5. Will the variance create an adverse impact on the physical or environmental conditions in the neighborhood? Yes \_\_\_ No X

**Finding:** Setback: The proposed addition is small and will result in new classroom space for the church. The façade includes three windows that are similar in size to the existing windows along the side of the building. The visual impact of the addition is minimal. Given the nature of the proposal, there is no adverse physical or environmental impact to the neighborhood.

Lot coverage: The parking meets the design standards of the Zoning Code, which will help to minimize the physical and environmental impact. The applicant anticipates demolishing the house in the spring of 2016 and putting gravel down on the lot temporarily. The applicant will then pave and stripe the parking lot in the spring of 2017. The parking area will be screened from neighbors, reducing the impact of light and noise.

6. Is the alleged difficulty self-created? Yes X No \_\_\_

**Finding:** Both the setback and the lot coverage variances are self-created difficulties. However, this does not override the benefit to the applicant of granting these requests.

**Record of Vote:**

D. Carr	Absent
R. Khaleel	Approve
D. O'Brien	Approve
J. O'Donnell	Absent
M. Tilton	Approve
E. Van Dusen	Approve

This decision was based on the following testimony and evidence:

**Supporting Testimony:**

Robert Rios  
Louie Carini

**Opposing Testimony:**

None

**Evidence:**

Staff Report

Area Variance Application

City Property Information Map

Statement of Difficulty

Elevations

Site Plan

Survey Map

Photographs

Google Earth Photograph

Email from Terry Mott, Senior Engineer Technician, dated 04/19/16

Personal Appearance Notice

Affidavit of Notification

Speakers' List



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Bureau of Planning  
and Zoning

May 5, 2016

Frank Santonastaso  
5070 Ridge Road  
Spencerport, NY 14559

Location: 1628 Lyell Avenue  
Zoning District: C-2 Community Center District  
File Number: V-069-15-16  
Vote: 1-3-0

## NOTICE OF DECISION

In the matter of the request for a Use Variance to consider the economic hardship associated with the legalization of an existing three-bay vehicle repair operation, a use not permitted in the district, please take notice that at the Zoning Board of Appeals meeting held on April 21, 2016, said application failed to reach four concurring votes, and is therefore deemed a **DENIAL** pursuant to Zoning Code Section 120-186(D)(1) requiring no further findings of fact.

If you have any questions or concerns, please contact Jill Symonds at 585-428-7364 or [Jill.Symonds@cityofrochester.gov](mailto:Jill.Symonds@cityofrochester.gov).

Zina Lagonegro, AICP, EIT  
Secretary to the Zoning Board of Appeals

cc: Mike E. Cavallaro, 1628 Lyell Avenue, Rochester, NY 14606

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**Record of Vote:**

D. Carr	Absent
R. Khaleel	Approve
D. O'Brien	Deny
J. O'Donnell	Absent
M. Tilton	Deny
E. Van Dusen	Deny

This decision was based on the following testimony and evidence:

**Supporting Testimony:**

Frank Santonastaso

**Opposing Testimony:**

None

**Evidence:**

Staff Report  
Use Variance Application  
City Property Information Map  
Statement of Income and Expense  
Statement of Unnecessary Hardship (no reasonable return only)  
List of Capital Improvements  
Survey Map  
Floor Plans  
Photographs  
Email from Ron Penders, Northwest Neighborhood Service Center Administrator, dated 05/05/16  
Annual Escrow Account Disclosure Statement, dated 12/22/15  
Erie Insurance Company Bills, dated 04/15/16  
Personal Appearance Notice, Affidavit of Notification and Speakers' List



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Bureau of Planning  
and Zoning

May 5, 2016

Talius James  
86 Locust Street  
Rochester, NY 14613

Location: 28 Locust Street  
Zoning District: R-1 Low-Density Residential District  
File Number: V-071-15-16  
Vote: 4-0-0

## NOTICE OF DECISION

In the matter of the request for a Use Variance to establish use of the property as a two-family dwelling that has lost its rights due to a period of vacancy greater than nine months, please take notice that at the Zoning Board of Appeals meeting held on April 21, 2016, said application was **APPROVED**.

**Please Note:** Pursuant to Section 120-195B(9) of the City Code, a variance shall become null and void one (1) year after the date on which it was issued, unless a Building Permit is obtained and maintained.

**\*\*IMPORTANT\*\*:** You must make an appointment to complete the permit process. No work relating to this variance request can be started without the issuance of a Building Permit. Please contact Jill Symonds at 585-428-7364 or [Jill.Symonds@CityofRochester.gov](mailto:Jill.Symonds@CityofRochester.gov) to schedule an appointment.

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Secretary to the Zoning Board of Appeals

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**Resolution and Findings of Fact:**

1. Can the applicant realize a reasonable return as shown by competent financial evidence? Yes \_\_\_ No X

**Finding:** Based on the photographs provided, the Zoning Board estimated that it would likely cost \$40,000 to de-convert the property to a single family. Given this additional expense, the applicant might be able to realize a 3% rate of return by renting the property as a single. This rate of return is not reasonable given the sizable investment required to bring the property back to a rentable condition.

2. Is the alleged hardship relating to the property unique? Yes X No \_\_\_

**Finding:** The subject property fronts on Locust Street to the south and Ravine Street to the north. As a result of this unusual site layout, there is an entrance to the property facing each street. The property has a unique configuration, making restoration to a single family challenging and expensive.

3. Is the alleged difficulty self-created? Yes \_\_\_ No X

**Finding:** The applicant purchased the property from the City auction with full knowledge it had lost its rights as a three-family and needed to be de-converted. The applicant assumed that the property could be de-converted to a two-family. Regardless of this error, the applicant was not able to inspect the inside of the property prior to purchase, and therefore, was not able to assess the cost of bringing the property back to a rentable state.

4. Will the requested use variance, if granted, alter the essential character of the neighborhood? Yes \_\_\_ No X

**Finding:** By de-converting the property from a three-family to a two-family, the applicant is decreasing the density of the property, which is more in keeping with the character of this R-1 Low Density District. The Zoning Board determined that this request will not alter the character of the neighborhood.

5. Can the benefit sought by the applicant be achieved by a feasible alternative to the variance? Yes \_\_\_ No X

**Finding:** The applicant could de-convert the property to a single-family home; however, it would not generate a reasonable rate of return.

**Record of Vote:**

D. Carr	Absent
R. Khaleel	Approve
D. O'Brien	Approve
J. O'Donnell	Absent
M. Tilton	Approve
E. Van Dusen	Approve

This decision was based on the following testimony and evidence:

**Supporting Testimony:**

Talius James  
Julietta Gonzague-James  
Odub White

**Opposing Testimony:**

None

**Evidence:**

Staff Report  
Use Variance Application  
City Property Information Map  
Statement of Unnecessary Hardship  
Statement of Income and Expense  
Home Depot Order Quote  
Survey Map  
Floor Plans  
Photographs  
Email from Ron Penders, Northwest Neighborhood Service Center Administrator, dated 04/05/16  
Personal Appearance Notice, Affidavit of Notification and Speakers' List



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Bureau of Planning  
and Zoning

May 5, 2016

Kurt Charland  
Bergman Associates  
28 E. Main Street, Suite 200  
Rochester, NY 14614

Location: 1490 Hudson Avenue  
Zoning District: C-3 Regional Destination Center District  
File Number: V-072-15-16  
Vote: Pole Sign: 0-4-0; Canopy, Kiosk, Pumps: 4-0-0

### **NOTICE OF DECISION**

In the matter of the request for an Area Variance to install new signs for the "Walmart" gas station on the existing 30' pole, please take notice that at the Zoning Board of Appeals meeting held on April 21, 2016, said application was **DENIED**.

In the matter of the request for an Area Variance to install new signs for the "Walmart" gas station on the canopy, kiosk, and pumps, not meeting certain sign requirements, please take notice that at the Zoning Board of Appeals meeting held on April 21, 2016, said application was **APPROVED**.

**Please Note:** Pursuant to Section 120-195B(9) of the City Code, a variance shall become null and void one (1) year after the date on which it was issued, unless a Building Permit is obtained and maintained.

**\*\*IMPORTANT\*\*:** You must make an appointment to complete the permit process. No work relating to this variance request can be started without the issuance of a Building Permit. Please contact Jill Symonds at 585-428-7364 or [Jill.Symonds@CityofRochester.gov](mailto:Jill.Symonds@CityofRochester.gov) to schedule an appointment.

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Secretary to the Zoning Board of Appeals

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**Resolution and Findings of Fact:**

**1. Do the benefits to the applicant outweigh any detriment to the health, safety and welfare of the neighborhood or the community?**

**Finding:** Pole Sign (denied): The applicant proposed LED gas pricing that is 30" x 20' (70 sq. ft.) on the existing, 30' tall pole sign for Walmart. At the hearing, it was determined that the pole sign is not easily visible from the 104 highway. As such, there is no need for the gas pricing to be so prominently displayed for passing motorists along Hudson Avenue. The Zoning Board determined that the addition of the LED gas pricing to the pole sign would have a negative visual impact on the area and be a detriment to the health, safety, and welfare of the community.

Canopy, Kiosk, and Pump Signs (approved): The sign package includes "Walmart" signs on two sides of the canopy, two sides of the kiosk, and on the fuel dispensers. These signs are fairly minimal given the size of the site and of the gas station.

**2. Will the proposal produce an undesirable change in the character of neighborhood or be a detriment to nearby properties?**

**Finding:** Pole Sign (denied): The proposed LED gas pricing sign will enlarge an existing sign that is 15' taller than what is currently permitted under the Zoning Code. The pole sign is nonconforming. The intention of the Zoning Code is to replace nonconforming signs over time rather than extend their useful life through the addition of LED gas pricing.

Canopy, Kiosk, and Pump Signs (approved): The gas station is located on a busy section of Hudson Avenue that has four lanes of traffic. Across the street there are several one-story commercial buildings and apartment buildings that are set further back on their properties. The proposed signs will not have an impact on the character of the neighborhood or be a detriment to nearby properties.

**3. Can the benefit sought by the applicant be achieved by a feasible alternative to the variance?**

**Finding:** Pole Sign (denied): The applicant did not present evidence to determine whether or not there is a feasible alternative that would not require a variance. Regardless, the proposed LED sign is not the only option for this site.

Canopy, Kiosk, and Pump Signs (approved): The size and location of the kiosk limits the available space for placing signs. There is no alternative that would have allowed the applicant to rebrand the gas station to Walmart in a way that would be compatible with the existing site.

**4. Is the requested variance substantial?**

**Finding:** Pole Sign (denied): The height of the pole sign makes this request substantial. The addition of LED gas pricing to the 30' tall pole sign would increase an already oversized sign, making it more nonconforming.

Canopy, Kiosk, and Pump Signs (approved): As the kiosk building is relatively small compared to the size of the parcel, the building-based size limitation of 60 sq. ft. in this case was deemed to be insubstantial.

**5. Will the variance create an adverse impact on the physical or environmental conditions in the neighborhood?**

**Finding:** Pole Sign (denied): The proposed LED gas price sign will have a negative visual impact on the neighborhood.

Canopy, Kiosk, and Pump Signs (approved): The variance request will not result in noise, flashing lights, fumes, or other nuisance for the neighborhood.

**6. Is the alleged difficulty self-created?**

**Finding:** Pole Sign (denied): The request to place an LED gas price sign on the existing, 30' tall pole sign is a personal preference on behalf of the applicant.

Canopy, Kiosk, and Pump Signs (approved): The request is a self-created difficulty. However, the sign package is consistent with gas stations throughout the City.

**Record of Vote:**

	<b><u>Pole Sign</u></b>	<b><u>Canopy, Kiosk, Pump Signs</u></b>
D. Carr	Absent	Absent
R. Khaleel	Deny	Approve
D. O'Brien	Deny	Approve
J. O'Donnell	Absent	Absent
M. Tilton	Deny	Approve
E. Van Dusen	Deny	Approve

This decision was based on the following testimony and evidence:

**Supporting Testimony:**

Kurt Charland

**Opposing Testimony:**

John Lembach

**Evidence:**

Staff Report

Area Variance Application

Area Variance Standards

Sign Renderings

Photographs

Personal Appearance Notice, Affidavit of Notification, Speaker's List